

## Promoting Justice *Pool 174/66*

The Justice Department's announcement of a program to purge court dockets of past convictions and pending prosecutions that may have been tainted by Federal eavesdropping bespeaks a scrupulous and fastidious respect for the honor of the United States on the part of the Acting Attorney General and the Solicitor General. It will be regrettable if some criminals escape punishment because of this adherence to the niceties of due process. Nevertheless, respect for the law will be enhanced by it. So will the pride of Americans in their Federal Government.

Eavesdropping by law-enforcement authorities involves violation of an act of Congress when it is done by unauthorized interception of telephone conversations; and it involves violation of rights guaranteed by the Fourth Amendment when it is

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done by the planting of a concealed microphone in private premises. Worse, it involves in any case an invasion of privacy corrosive to the free fabric of American life.

A year or so ago President Johnson issued an order forbidding resort to any forms of electronic eavesdropping by Federal officials except in situations involving the national security. Of course, the President had no authority to authorize the exception even for national security. But, no matter; the effect of his order was altogether salutary. The Acting Attorney General and the Solicitor General are simply carrying out the spirit as well as the letter of his order.

When the United States prosecutes an offender against the laws of the Union, its aim is not conviction alone but conviction by means which commend themselves to a self-respecting and self-governing people. Justice is a process as well as a result, a means as well as an end. It is justice in its highest sense that Ramsay Clark and Thurgood Marshall are serving.